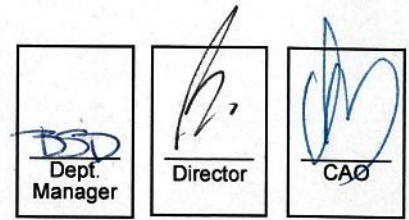


COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> In-Camera	Date: _____	Item # _____
<input checked="" type="checkbox"/> Regular	Date: <u>APRIL 20, 2009</u>	Item # <u>5</u>
<input type="checkbox"/> Info Package	Date: _____	Item # _____
<input type="checkbox"/> Agenda Addendum	Date: _____	Item # _____



## The District of North Vancouver REPORT TO COUNCIL

April 5, 2009  
 File: 3060-20/05.08  
 Tracking Number: RCA - 2009-00241



**AUTHOR:** Doug Allan, Community Planner

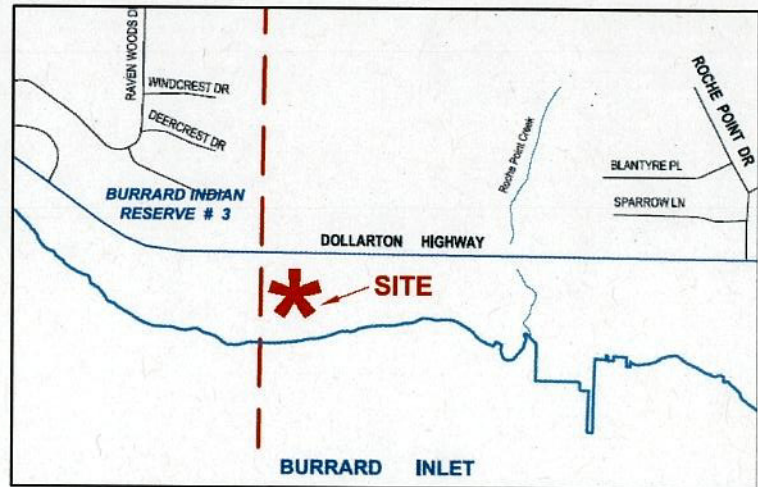
**SUBJECT:** **BYLAW 7734 – 3707-3739 DOLLARTON HIGHWAY  
 REZONING, DEVELOPMENT PERMIT AND SUBDIVISION APPLICATION**

**RECOMMENDATION:**

**It is recommended that Bylaw 7734 be given First Reading and referred to Public Hearing.**

**SUMMARY:**

The proposal is for the subdivision of 3 large lots to create 1 fee simple lot and 6 bare land strata lots plus a lot located along the waterfront to be transferred to the District. A public trail will be constructed on the District lot. The proposal requires rezoning from Single Family Residential One Acre Zone (RS1) to Single Family Residential 7200 Zone (RS3) and Natural Parkland (NPL) as shown on the Map attached to Bylaw 7734. The application also requires a Development Permit for the Protection of the Natural Environment and Streamside Protection and approval of a subdivision plan. The proposed subdivision is consistent with the policies in the Seymour Local Plan. The Development Permit will be brought forward for Council consideration at the time of bylaw adoption.





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REZONING, DEVELOPMENT PERMIT AND SUBDIVISION APPLICATION**

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**EXISTING POLICY:**

1. District OCP:

The District OCP designates the subject property as 'Residential' and as a Development Permit Area for the Protection of the Natural Environment and Streamside Protection.

2. Seymour Local Plan:

The Seymour Local Plan designates the property as 'Single Family Residential' defined as "*areas intended primarily for detached single-family dwellings*". The project is consistent with a number of Plan policies relating to: the scale and size of redevelopment relative to existing development; the provision of pedestrian linkages and access to the waterfront and, the rehabilitation of natural systems. The key policies are summarized in Attachment A.

**ANALYSIS:**

1. Site and Surrounding Area:

The development site is comprised of three large single family lots located on the south side of Dollarton Highway. The gross area of the 3 lots is approximately 6,998m<sup>2</sup> (75,327ft.<sup>2</sup>) and the properties slope down toward the waterfront. A small unnamed stream is located near the west property line. A Metro Vancouver sewer easement which is 6.1m (20ft.) wide, runs generally east-west through the site.

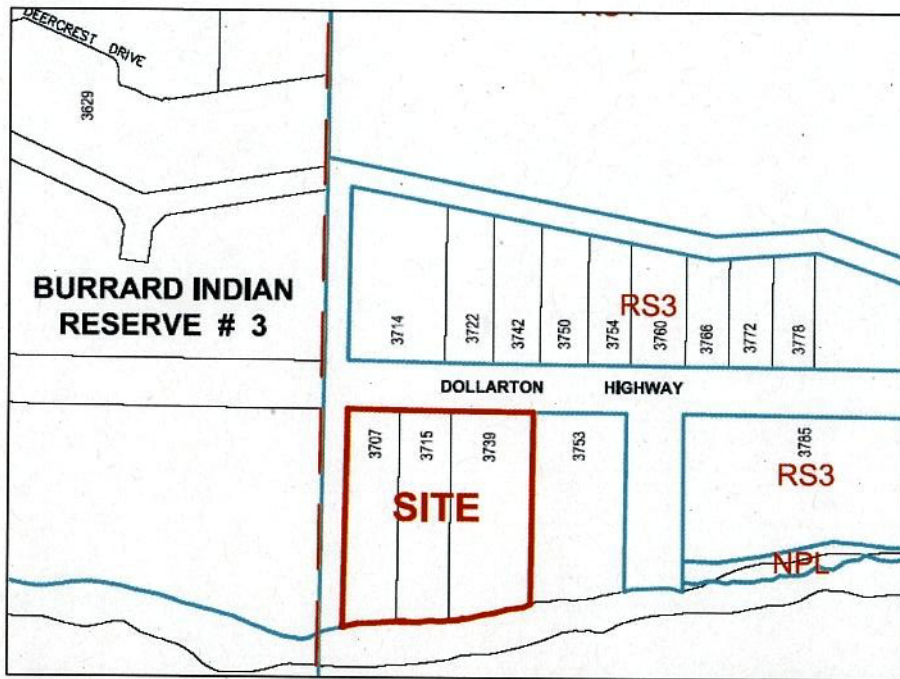
To the west is an unopened District road allowance and the Tsleil-Waututh Nation Reserve. To the north, across Dollarton Highway, are developed single family lots (RS3). To the immediate east is a developed single family lot (RS1) and further east at 3785 Dollarton Highway, is Noble Cove, a recent subdivision of RS3 single family strata lots currently under construction. The following map and aerial photograph illustrate the site location, zoning and surrounding development.



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Map 1



**SUBJECT: BYLAW 7734 - 3707-3739 DOLLARTON HIGHWAY  
REZONING, DEVELOPMENT PERMIT AND SUBDIVISION APPLICATION**

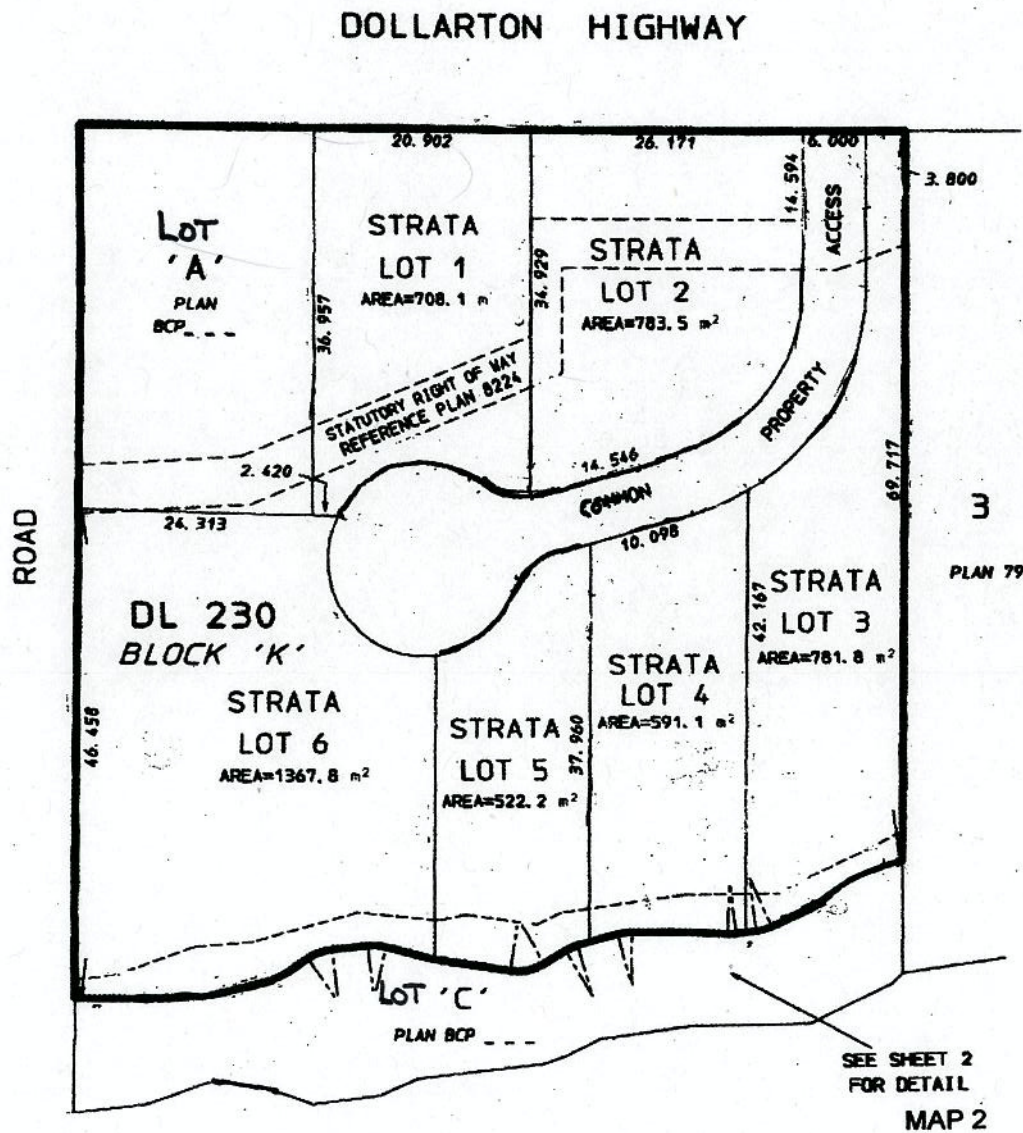
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2. The Proposal:

a) Subdivision:

The proposal involves the subdivision of 3 single family lots into 1 fee simple lot (Lot A) and 6 bare land strata lots based on RS3 zone requirements as well as a parcel (Lot C) to be transferred to the District, as shown on the following Map 2. The proposal also takes into account the riparian area setback on the east side of the creek which is incorporated as part of Strata Lot 6.





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The following table illustrates the lot details in comparison with the RS3 standards:

	<b>WIDTH</b>	<b>DEPTH</b>	<b>AREA</b>
<b>RS3 Zone</b>	18m (59ft.)	34m (111.5ft)	660m <sup>2</sup> (7104ft. <sup>2</sup> )
<b>Fee Simple Lot A</b>	24.3m (79.72ft.)	36.96m	(net) 769.4m <sup>2</sup> (8280.8ft. <sup>2</sup> )
<b>Strata Lot 1</b>	20.9m (68.57ft.)	32m (105ft.)	708.1m <sup>2</sup> (7622ft. <sup>2</sup> )
<b>Strata Lot 2</b>	24.3m (79.72ft.)	31.5m (103.3ft.)	783.5m <sup>2</sup> (8433.5ft. <sup>2</sup> )
<b>Strata Lot 3</b>	15m (49.2ft.)	41m (134.5ft.)	781.8m <sup>2</sup> (8415.2ft. <sup>2</sup> )
<b>Strata Lot 4</b>	15m (49.2ft.)	39.3m (128.9ft.)	591.1m <sup>2</sup> (6362.5ft. <sup>2</sup> )
<b>Strata Lot 5</b>	15m (49.2ft.)	36m (118.1ft.)	522.2m <sup>2</sup> (5621ft. <sup>2</sup> )
<b>Strata Lot 6</b>	24.2m (79.4ft.)	45m (147.6ft.)	(net) 1143.9m <sup>2</sup> (12,312ft. <sup>2</sup> )

Under Section 2(2) of the Strata Property Act (Bare Land Strata Regulations), the Approving Officer may approve a bare land strata plan containing strata lots of less than the permitted size provided that the total area of the land in the strata plan, excluding access routes, is not less than the minimum permitted size. In this case, the average lot size of the 6 bare land strata lots (based on the net lot area of Strata Lot 6) is 755.1m<sup>2</sup> (8127.8ft.<sup>2</sup>) which exceeds the minimum RS3 standard of 660m<sup>2</sup> (7104ft.<sup>2</sup>).

Unlike lot area, the proposed lots must satisfy the minimum width and depth requirements of the RS3 Zone and in this case, Strata Lots 1 and 2 lack the minimum depth and Strata Lots 3-5 lack the required width. However, the development permit will include variances for these lots.

**b) Riparian Area / Waterfront Pathway:**

Consistent with the approach taken with the Noble Cove subdivision, a key component of the proposal involves the creation of a riparian area across the bottom of the development site adjacent to the waterfront. The majority of this riparian area, 828.4m<sup>2</sup> (8917ft.<sup>2</sup>), representing approximately 12% of the gross development site, will be created as a separate Lot that will be transferred to the District.

Within the future District lot, the applicant will construct a public pathway extending across the property parallel to the waterfront and continuing up the unopened road



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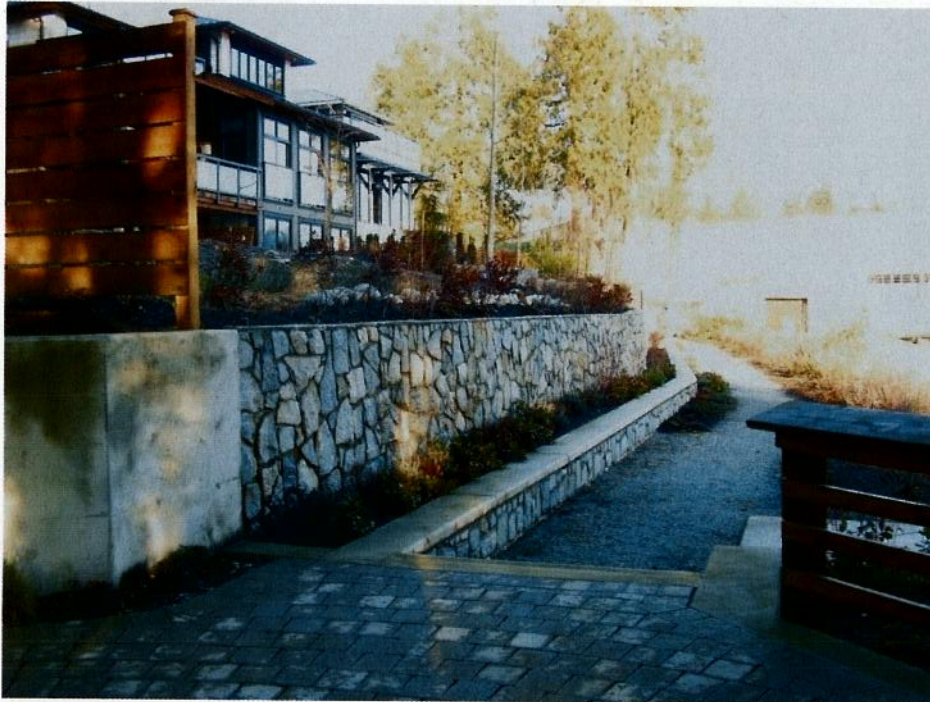
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allowance to Dollarton Highway. A viewing platform will be constructed adjacent to the bottom of the road allowance.

The Burrard Environment Review Committee has approved the design of the pathway and riparian area planting.

The following photograph illustrates the pathway developed at the Noble Cove subdivision which has been used as an example for this project.



Private access to the proposed pathway is provided directly from Strata Lots 3-6. The fee simple Lot A and Strata Lots 1 and 2 will access the pathway via a link over Strata Lot 6 which will require an access easement.

**c) Vehicle Access:**

The Lot A and Strata Lot 1 will share the existing vehicle access presently serving 3707 Dollarton Highway. The other lots will be accessed by a private driveway off the existing crossing serving 3739 and the adjacent lot at 3753 Dollarton Highway. This will result in the elimination of one of the three existing driveways onto Dollarton Highway.



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The applicant will also construct a parking bay on Dollarton Highway to provide 4 spaces for the public utilizing the waterfront walkway.

d) **Tree Retention/Landscaping:**

The arborist report identifies the existing tree resource as a mix of hemlock, maple, red alder and red cedar, interspersed with cherry and apple trees many of which exhibit a variety of defects and are not good candidates for retention. Based on the arborist's assessment, the trees worthy of retention are situated adjacent to the creek and generally along the foreshore and these will be protected in accordance with the landscape architect's plans.

The project landscape architect has proposed an enhancement plan for the area along the foreshore that will include revegetation with a mix of native plant materials. The edges of the common driveway and the bank below Dollarton Highway will also be landscaped. Additional tree retention and landscaping details will be provided at the Development Permit stage.

e) **Public Art:**

The applicant has retained a public art consultant and artist to develop a specific proposal and they have met with the Public Art Advisory Committee to discuss possible opportunities. While a specific concept has not been developed, the artist also designed the tile mosaic inset into the viewing platform at the Noble Cove project illustrated in the following photo. Details of the installation will be provided to Council in conjunction with the Development Permit. However, as suggested in the Public Art Advisory Committee's motion, the installation should incorporate a First Nations theme.





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A reduced site plan is included as Attachment B and a letter from the proponent outlining a sustainability and green measures approach to the project is included as Attachment C.

**DEVELOPMENT ISSUES:**

1. Lot Size Variances:

Although variances are required for the depth of Strata Lots 1 and 2, the variance for Lot 1 is necessitated by the curving lot line around the bulb of the cul-de-sac which projects into the lot. The variance for Strata Lot 2 is due to the alignment of the private driveway which has been designed to utilize the existing crossing and work with the site grades. The variance for the width of Strata Lots 3-5 is necessitated due to the larger width of Strata Lot 6 which is required to establish the desired creek protection area. These variances do not impact surrounding development and incorporating several smaller lots will result in a range of house sizes in the project.

2. Pathway Extension:

In accordance with the general recommendations of the Waterfront Task Force, the intention would be to extend the waterfront path east to connect with the pathway constructed at Noble Cove. However, the owner of the lot to the east at 3753 Dollarton Highway is not participating in this application and, therefore, the proposed pathway will stop at the east property line. However, staff will contact the owner of 3753 to determine if he is willing to grant a public access easement and if that is possible, discuss the continuation of the pathway east to Noble Cove with the applicant.

3. Tsleil-Waututh Nation Comments:

In accordance with the Protocol Agreement with the Tsleil-Waututh Nation, the application was forwarded to the Nation's planning staff for comment. The Tsleil-Waututh Nation does not support the creation of a pathway connecting the waterfront trail north to Dollarton Highway through the unopened road allowance as they are concerned about trespass onto the Reserve lands.

In response, staff have indicated that provision of the pathway is a key component of this project which addresses a number of policy directions suggested by the Waterfront Task Force which are embodied in the Seymour Local Plan. Nonetheless, staff respect the Nation's desire to prevent unauthorized trespass and have advised the applicant that it will be necessary to construct a fence along the west side of the road allowance with appropriate signage to prevent trespass.



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As part of this application, the proponent undertook an archaeological assessment of the site and no remains were identified within the property, although a single flake was located on the foreshore in front of the property. On the strength of that assessment, the consultant recommended that no further studies were required on the development site but if there was any work on the intertidal zone, further studies may be warranted. The TWN has indicated that they feel an additional archaeological assessment is required in the intertidal area, although the applicant is not undertaking works on the foreshore. The applicant has not provided an additional assessment. However, under the Heritage Conservation Act, if any remains are uncovered during construction, the developer has an obligation under provincial legislation to cease construction and inform the Provincial Archaeological Branch about the discovery.

**CONCURRENCE:**

The project is in accordance with the policy directions in the Seymour Local Plan and there are no concerns with the proposed rezoning of the land to RS3 which is consistent with the surrounding residential zoning. Final project details relating to landscaping, engineering and design guidelines are being reviewed by staff and will be addressed at the Development Permit stage.

**COMMITTEE INPUT:**

Public Art Advisory Committee:

The applicant met with the Public Art Advisory Committee on March 11, 2009 and the Committee passed the following motion:

THAT the Public Art Task Force approve in principle the public art scheme presented by Forma Designs for the 3707 Dollarton Highway site, with the understanding that a Tseil-Waututh artist be involved in the design of the imagery for the mosaic installation.

**PUBLIC INPUT**

1. Seymour Community Association:

The proposal was referred to the Seymour Community Association for comment and the Association Executive supported the project, noting that there would be a reduction in the number of driveways onto Dollarton Highway and the provision of the waterfront walkway represented a community benefit. A copy of the Association's letter dated August 28, 2008 is included as Attachment D.



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**2. Public Information Meeting:**

The detailed application was presented at a Public Information Meeting on June 24, 2008. Approximately 15 area residents attended. Questions centred around vehicular and pedestrian access, the provision of additional parking on Dollarton Highway, the height of street trees to be planted and potential impact on views, the design of homes and the size and price range of homes. On balance, the comments were positive.

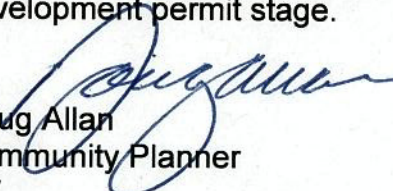
**IMPLEMENTATION:**

If there is support for this project from Council, the following steps are required to implement this proposal:

1. Introduce Bylaw 7734 (Attachment E) rezoning the proposed lots from RS1 to RS3 and the lot to be transferred to the District from RS1 to NPL and refer the bylaw to Public Hearing;
2. Consider 2<sup>nd</sup> and 3<sup>rd</sup> Reading of Bylaw 7734;
3. Resolve outstanding project details and obtain all required legal agreements, including an Engineering Services Agreement and the required off-site engineering and landscaping deposits and public art security;
4. Consider Bylaw 7734 for adoption;
5. Issue the Development Permit;
6. Complete subdivision conditions, including payment of DCC's; and
7. Sign the subdivision plan.

**CONCLUSION:**

This project is consistent with the directions in the Seymour Local Plan, including the recommendations of the Waterfront Task Force. Staff will continue to address the comments of the Tsleil-Waututh Nation and will report back to Council at the development permit stage.

  
Doug Allan  
Community Planner  
da/  
attach.

**RECEIVED**

APR - 9 2009

Chief Administrator's Office  
District of North Vancouver

<u>REVIEWED WITH:</u>	<u>REVIEWED WITH:</u>	<u>REVIEWED WITH:</u>	
<input type="checkbox"/> Communications	<input type="checkbox"/> Finance	External Agencies:	Advisory Committees:
<input type="checkbox"/> Env. Protection	<input type="checkbox"/> Fire Services	<input type="checkbox"/> Recreation Commission	<input type="checkbox"/> _____
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Legislative Services	<input type="checkbox"/> Library Board	<input type="checkbox"/> _____
<input type="checkbox"/> Eng. Public Works	<input type="checkbox"/> Land	<input type="checkbox"/> Health Dept.	<input type="checkbox"/> _____
<input type="checkbox"/> Eng. Admin.	<input type="checkbox"/> Permits & Licenses	<input type="checkbox"/> RCMP	
<input type="checkbox"/> Eng. Parks	<input type="checkbox"/> Planning	<input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Social Planning		



**SEYMOUR LOCAL PLAN POLICIES  
3707-3739 DOLLARTON HIGHWAY**

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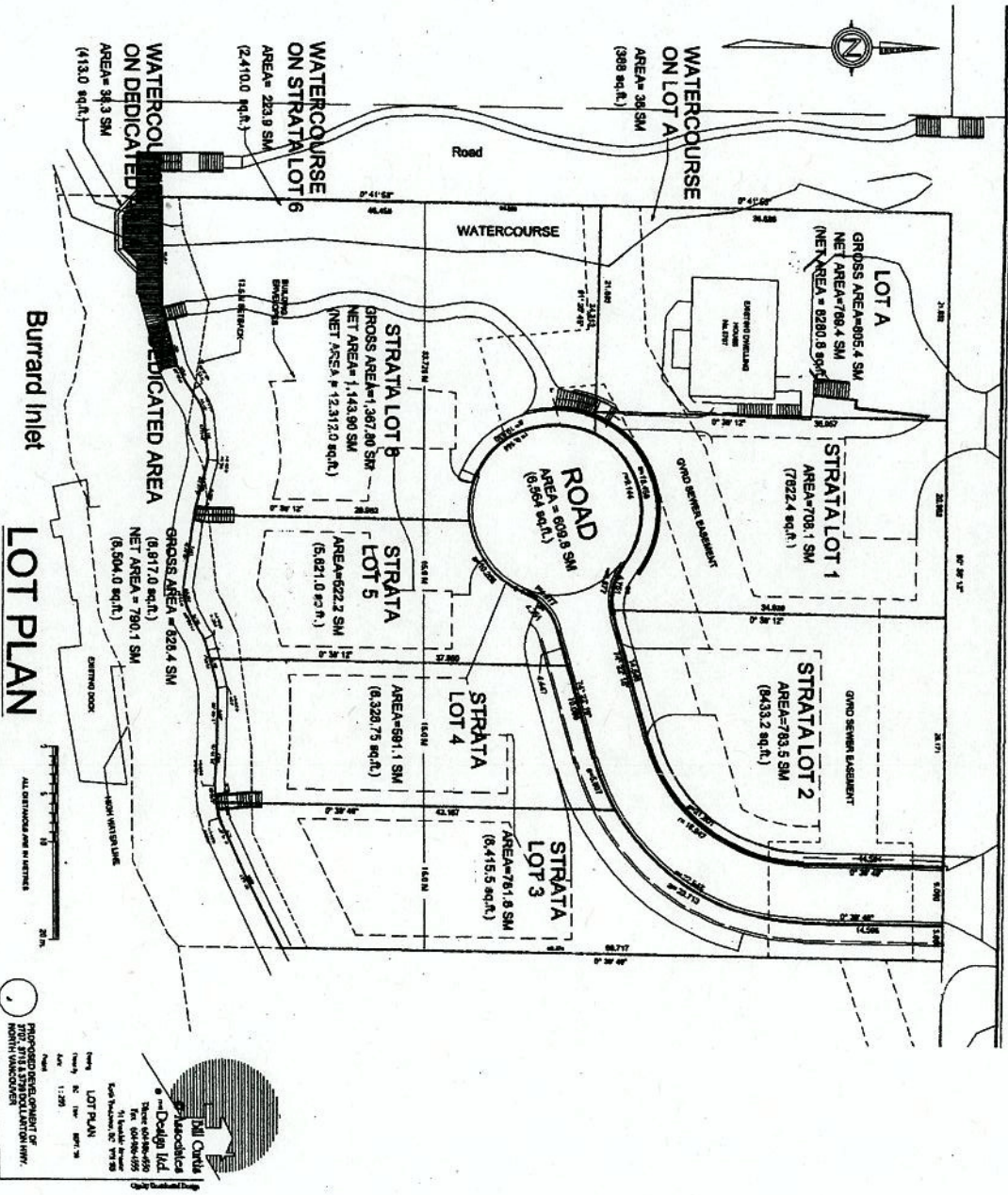
- 3.1.1 Development and redevelopment will be regarded as an opportunity to promote community environmental goals such as obtaining more green space, reclaiming natural areas and encouraging transit use.
- 3.1.2 New development or redevelopment will employ environmentally friendly design and construction methods.
- 6.1.2 Any new development in established neighbourhoods, permitted within existing zoning and subdivision regulations, must be in keeping with the scale and character of the area.
- 6.2.2 New single-family development will consist primarily of standard single-family lots, but could also include smaller single-family lots, duplexes, and other ground-oriented choices with yard areas, where appropriate.
- 7.2.2 In any new development, or redevelopment, ensure the provision of public pedestrian/cycle linkages.
- 7.6.1 Provide public access to the waterfront at strategic locations.
- 7.6.2 Rehabilitation and preservation of natural systems will be emphasized in all public access initiatives, including the removal of existing encroachments



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APR - 8 2009

PLANNING DEPT  
DISTRICT OF N. VAN.



DOLLARTON HIGHWAY

Burrard Inlet



## 3707–3739 Dollarton Highway, North Vancouver Sustainability and Green Measures Approach

### OVERVIEW

The proposed subdivision located at 3707–3739 Dollarton Highway is intended to meet the District's goals for sustainable development. The project owners and consultant team are committed to incorporating optimal sustainability measures throughout the project based on sound principles and measurable goals.

### PROJECT PRINCIPLES

Principles have been developed to guide the design, construction, and occupancy of the finished project to address the environmental, economic, and social aspects of sustainability, and are categorized as follows:

- Energy;
- Site planning;
- Transportation;
- Environmental protection;
- Water;
- Materials and Waste Management; and
- Community.

### MEASURABLE GOALS

The project team has developed a two-part system for measuring sustainability commitments as follows:

1. A Sustainable Site – all outside the building envelope commitments; and
2. Green Building Approach – for all housing.

As the team progresses through the detailed design process, we will work with the District of North Vancouver staff on confirming, refining, and committing to the Green Building Measures that can be achieved and finalize a formal commitment.

### PRELIMINARY SITE SUSTAINABILITY COMMITMENTS

Based on the site (outside the building envelopes) for the proposed subdivision development, the consultant team has completed a review of sustainability commitments achievable by this project.

The project owners are committed to the project achieving the following sustainability initiatives:

- Site selection does not include ALR, floodplain, rare and endangered habitat, wetland and parkland;
- Proposed development is located on a previously developed site and is adjacent to existing developments to the north and east;
- Site is within 750m of existing water service lines and sewer service lines;



- Erosion and sediment control plan during construction;
- At least 70% of the site (not including area under roof) will be permeable, consisting of vegetative landscape (grass, trees, and shrubs). Impermeable surfaces are designed to ensure all runoff is directed toward permanent infiltration features (vegetated swales);
- Pedestrian linkages connecting to trails and Cates Park (approximately 500m to the east);
- Site is within 400m of public transportation (TransLink bus #212);
- High-density homes will be built with an average housing density of 7 units per acre of buildable land, which reduces ecological footprint;
- Retention of existing trees where possible;
- Revegetate riparian area along watercourse and Burrard Inlet. No invasive plants will be introduced to the landscape;
- Reduce light pollution by shielding exterior lighting; and
- Hazmat surveys will be completed on existing onsite buildings prior to demolition to ensure any hazardous substances identified are disposed of properly.

### **PRELIMINARY SUSTAINABILITY COMMITMENTS FOR WOOD-FRAME HOMES**

For the wood-frame homes, the consultant team is committed to using a Green Building approach and has completed a preliminary review of sustainability commitments achievable for the project as follows:

- Employ strategies that reduce potable water use by using high-efficiency fixtures (e.g., lavatory faucets, shower heads, and dual-flush toilets);
- Install windows that meet or exceed requirements for ENERGY STAR labelled windows (or windows with equivalent performance specifications);
- Install at least three ENERGY STAR labelled light fixtures or ENERGY STAR labelled compact fluorescent light bulbs in high-use rooms (kitchen, dining room, living room, family room, hallways);
- Install ENERGY STAR labelled refrigerator;
- Install motion sensor controls on outdoor light fixtures;
- Optimize use of framing material by not wasting more than 10% (by cost);
- Use building materials that are produced locally/regionally (within 750km);
- Divert 25% or more of the total materials taken off the construction site from landfills and incinerators (by weight or cost);
- Install a carbon monoxide (CO) monitor on each floor;
- Zero use of CFCs, Halons, and HFCs in refrigeration and fire-suppression equipment;
- Provide controllable window and lighting systems, perimeter areas; and
- Provide daylight views for 90% of all regularly occupied areas.

*Prepared by Pottinger Gaherty Environmental Consultants, Development Planning Strategies, Forma Design Inc., Bill Curtis & Associates Design Ltd., Diamond Head Consulting Ltd., and Webster Engineering Ltd.*

*February 2008*





## The Seymour Community Association



August 28, 2008

Mr. Doug Allan  
District of North Vancouver  
355 West Queens Road  
North Vancouver, BC V7N 4N5

Dear Doug:

**Re: Planning Application – 3707 – 3739 Dollarton Highway, File No. 3060-20/005.08**

Thank you for your letter of June 26, 2008. I sincerely apologize for the delay in getting back to you on this but as you will appreciate, this time of year is an extremely difficult one to get people together for a meeting.

With regard to the subdivision of these lots at 3707 to 3739 Dollarton Highway, the SCA Executive members appreciated the fact that the number of the access points to Dollarton will be decreased with this subdivision. It was also noted that the public walkway and pedestrian access was being provided from Dollarton to the beach without any pressure from the surrounding residents or the Community Association. This aspect of the development is also greatly appreciated. The developer has complied with the Seymour Local Plan requirements with respect to count and timing and the zoning changes requested match the zoning of the adjacent properties in Noble Cove and across Dollarton.

Some of us actually did go out to the site personally and did speak with residents in the area on the other side of Dollarton. It is a uniquely sloped and very scenic neighborhood. Residents on the opposite side of the roadway do not seem to object to the changes and indeed would like to see the lots "upgraded," which would probably also improve their view lines to the waterfront.

The only negative comment that came up was the fact that this application came before Planning in October 2007 and yet we received no advance notice of the preliminary application and only found out about the Public Information meeting by chance. Despite this, we were then asked to provide our commentary within a few days at a time when most of us were away on vacation. We do realize that there was a change of Planners with respect to this application however and thus it seems these delays are explained and hopefully our comments, though tardy, will still be appreciated.

Yours sincerely,

Board of Executives,  
Seymour Community Association



THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7734

A bylaw to amend the "District of North Vancouver Zoning Bylaw, 1965" (Bylaw 3210)  
(3707, 3715 and 3739 Dollarton Highway)  
(3060-20/005.08)

The Council for The Corporation of the District of North Vancouver, having observed the relevant provisions of the Local Government Act, enacts the following:

**Title**

1. This bylaw may be cited as "**BYLAW 7734, REZONING BYLAW 1238**".

**Amendment**

2. The Zoning Map is amended in the case of the lands legally described as:
  - 1) That part of lot 1 lying west of a line drawn parallel to the west boundary thereof and which line bisects the north boundary of said lot Block K, District Lot 230, Plan 7990 (PID: 010-290-826); and
  - 2) Lot 1, except that part lying west of line drawn parallel to the west boundary thereof and which line bisects the north boundary of said lot Block K, District Lot 230, Plan 7990 (PID: 010-291-741); and
  - 3) Lot 2, Block K, District Lot 230, Plan 7990 (PID: 010-291-938),

by rezoning the land from Single-Family Residential One Acre Zone (RS1) to Single-Family Residential 7200 Zone (RS3) and Natural Parkland (NPL) as illustrated on the attached map.

READ a FIRST TIME by the Council on the    day of    2009.

PUBLIC HEARING held on the    day of    2009.

READ a SECOND TIME by the Council on the    day of    2009.

READ a THIRD TIME by the Council on the    day of    2009.

ADOPTED by the Council on the    day of    2009.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DIRECTOR OF ADMINISTRATIVE SERVICES

Certified a true copy

\_\_\_\_\_  
DIRECTOR OF ADMINISTRATIVE SERVICES



PROPOSED ZONING

RS3

**DOLLARTON HIGHWAY**

RS1

*RS1 to RS3*

10.86m

10.66m

*RS1 to NPL*

BURRARD INLET



DISTRICT OF NORTH VANCOUVER

BYLAW 7734